

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington D.C. 20436

In the Matter of)	
)	
CERTAIN POLYETHYLENE)	Investigation No. 337-TA-457
TEREPHTHALATE YARN AND)	
PRODUCTS CONTAINING SAME)	
)	

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING A MOTION FOR SUMMARY
DETERMINATION THAT THE ECONOMIC PRONG OF THE
DOMESTIC INDUSTRY REQUIREMENT IS MET AS TO THE
ONLY PATENT AT ISSUE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) of the presiding administrative law judge (ALJ) that the economic prong of the domestic industry requirement has been met as to the only patent at issue in the investigation.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3104. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TTD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000.

The public record for this investigation also may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION: The Commission instituted this patent-based investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain polyethylene terephthalate yarn and products containing same, on May 17, 2001. 66 *Fed. Reg.* 27586. The complainant, Honeywell International Inc. of Morris town, New Jersey (Honeywell) named Hyosung Corporation of Seoul, Korea as the only respondent. On September 21, 2001, the Commission determined not to review an ID by the ALJ to add Hyosung

America, Inc., a wholly-owned U.S. subsidiary of Hyosung, as a respondent.

On November 29, 2001, Honeywell moved for summary determination that it had provided sufficient proof that it met the economic prong of the domestic industry requirement of section 337 in regard to the only patent at issue, U.S. Letters Patent 5,630,976. In support of its motion, Honeywell submitted a stipulation entered into by Honeywell and the Hyosung respondents setting forth stipulated facts and a declaration by Honeywell's Director of Finance with attachments in support of the declaration. The Hyosung respondents stated that they did not oppose Honeywell's motion to the extent that the motion is limited to the economic prong of the domestic industry requirement. The Commission investigative attorney supported Honeywell's motion.

On December 11, 2001, the ALJ issued an ID (Order No. 40) granting Honeywell's motion for summary determination. No petitions for review of the ID were received.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 190, as amended (19 U.S.C. § 1337), and in section 210.42 (h)(3) of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42(h)(3)).

By order of the Commission.

Donna R. Koehnke
Secretary

Issued: December 31, 2001